

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. ) 3:12-CR-124-LRH-(VPC)  
RAFAEL NAVARRO-GARCIA, )  
Defendant. )

## **PRELIMINARY ORDER OF FORFEITURE**

This Court finds that on November 21, 2013, defendant RAFAEL NAVARRO-GARCIA pled guilty to Count One of a One-Count Criminal Indictment charging him with Possession of a Firearm by a Convicted Felon in violation of Title 18, United States Code, Section 922(g)(1). Indictment, ECF No. 1; Change of Plea, ECF No. 44.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegation of the Criminal Indictment and the offense to which defendant RAFAEL NAVARRO-GARCIA pled guilty.

The following asset is subject to forfeiture pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c): a Smith & Wesson, .38 caliber revolver, serial number 7J1355, and ammunition (“property”).

This Court finds the United States of America is now entitled to, and should, reduce the aforementioned property to the possession of the United States of America.

1

1           NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the  
2 United States of America should seize the aforementioned property.

3           IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of  
4 RAFAEL NAVARRO-GARCIA in the aforementioned property is forfeited and is vested in the  
5 United States of America and shall be safely held by the United States of America until further order  
6 of the Court.

7           IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America  
8 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture  
9 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the  
10 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the  
11 name and contact information for the government attorney to be served with the petition, pursuant to  
12 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

13          IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity  
14 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate  
15 the validity of the petitioner's alleged interest in the property, which petition shall be signed by the  
16 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and  
17 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner's  
18 right, title, or interest in the forfeited property and any additional facts supporting the petitioner's  
19 petition and the relief sought.

20          IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed  
21 with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal Building, 400 South  
22 Virginia Street, 3rd Floor, Reno, NV 89501.

23          IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,  
24 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the  
25 following address at the time of filing:

26          ...

Greg Addington  
Assistant United States Attorney  
100 West Liberty Street, Suite 600  
Reno, NV 89501

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency following publication of notice of seizure and intent to administratively forfeit the above-described property.

DATED this 26th day of November, 2013.

  
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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE